IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 681 OF 2006

1. Subodh Pradip Kini,
2. Vishwas Damodhar Kini,
3. Bharat Harishcnadra Patil. ...Applicants

V/s.

The State of Maharashtra. ...Respondent

Shri Shyamkumar V. Marwadi for Applicants.
Ms.Rajeshree M. Gadhavi, APP for the State.

CORAM : V.M. KANADE, J.

DATED : MARCH 2, 2006

P.C. :-

. Heard learned Counsel for the applicants and learned APP for the State.

. The applicants are seeking an anticipatory bail in respect of an offence which is registered by the Tarapur Police Station under Sections 420, 467, 468 read with Section 34 of the IPC.

2. It is alleged by the complainant that the company Divine Life Care Pvt.Ltd. had announced various schemes and had assured to pay good returns on the deposits which were made to the said company and the

applicants were working in the said company as its employees.

3. It is submitted that various employees were working in the company and in turn invested huge amounts in the company. The company had assured to give certain commission on the amounts to the applicants which were collected by them. After sometime, the company was unable to return the investments which were made by the investors and therefore, the complaint was filed. The applicants have annexed the register and the certificates which indicates that monies which were collected by them were deposited with the company and with the directors. Further, register of the company indicates that the applicants were merely employees. A complaint has already been filed against the directors and the necessary action will be taken against them.

4. Learned APP, on instructions from the Investigating Officer who is present in the Court, states that the directors have been released on bail.

5. Under these circumstances, I am of the view that the applicants who are mere employees of the company and who had also invested their amounts in the company, are entitled to be granted anticipatory bail.

6. The applicants, in the event of their arrest, by Tarapur Police Station, in respect of an offence which is registered vide C.R.No.I-1/2006 by the said Police Station, be released on bail in the sum of Rs.5000/- each with one or two sureties in the like amount. The applicants shall report to the Tarapur Police Station twice in a month till filing of the chargesheet and also as and when they are called.

(V.M. Kanade, J.)